

IN THE DRAWINGS

The attached sheets of drawings include changes to Fig. 3 and 4. Figure 3A is identical to Figure 3 as originally filed. Figure 3B shows the first (left) loudspeaker and enclosure of Figure 3A (the left speaker) with a second (right) loudspeaker and further enclosure that is smaller than the first loudspeaker enclosure. Figure 4 is the same as originally filed, but on a separate sheet.

Attachment: Replacement Drawing Sheets 3-5

REMARKS/ARGUMENTS

Claims 1-6 were pending.

Claims 1-6 are rejected.

Claims 1 and 3 are currently amended.

Claim 6 has been canceled.

Claims 1-5 remain in this application.

Applicant thanks the Examiner for the opportunity of a telephonic interview on April 30, 2007.

Specification

In the specification, paragraphs at page 3, lines 7-8, and page 4, lines 1-10, 20-30 have been amended to add clarity.

Drawings

The drawings are objected to under 37 CFR 1.83 (a). Applicant submits herewith amended Figures 3A, 3B and 4, as discussed with the Examiner during the interview. The amended drawings address the objection relating to recited elements claim 1. Figure 3A is identical to Figure 3 as originally filed. Figure 3B is a new figure that the Examiner approved of during the interview. Figure 4 is the same as originally filed, but on a separate sheet. Suitable amendments have been made to the specification to insert references to the new Figure numbers.

Claim Rejections

Claim 1 has also been amended to clarify that the speaker system of the present invention is disposed within a telephone set, and comprises left and right loudspeakers coupled with respective first and second enclosures. The recited left and right loudspeakers have support on page 4, lines 22-23. The recited first enclosure has support on page 4, lines 23-25. The recitation of the further enclosure being "smaller than said first loudspeaker enclosure" has support on page 4, lines 23 27, where the first enclosure

has a volume of 60 cc whereas the second enclosure has a volume of 25 cc. Claim 6 has been canceled to reduce the issues.

With respect to recited elements of claim 3, as discussed during the telephonic interview, the "front cover" is element [1] in Figure 3, the "opening" is the circular opening in the front cover, the "grill" is element [2], the "gasket" is element [3], and the "rear cover" is element [5]. It is respectfully submitted that the amended drawings and foregoing also address the Examiner's rejection under 35 USC 112, first paragraph.

Claim 3 stands rejected for indefiniteness under 35 USC 112, second paragraph. Claim 3 has been amended to replace "a loudspeaker" in line 4 with -- said respective first and second of said pair of loudspeakers --, to delete "at least one of", and in line 5 to replace "is airtight and defined with a predetermined volume" with -- are airtight and defined with respective predetermined volumes--. It is believed that these amendments overcome the sources of indefiniteness identified by the Examiner. Retraction of Examiner's rejection of claim 3 under 35 USC 112, second paragraph, is respectfully requested.

Claims 1-2 and 6 stand rejected under 35 USC 103(a) as being unpatentable over USP 5,109,424 (Andre et al.), while claims 1 and 6 stand rejected under 35 USC 103(a) as being unpatentable over USP 6,356,644 (Pollak et al.). Applicants traverse this rejection.

Both Andre et al. and Pollak et al. teach headphones comprising left and right ear pieces where **each earpiece comprises a pair of speakers**. In Andre et al., a smaller speaker transducer 22 and a larger speaker transducer 26 are arranged co-axially within a cup assembly 12. In Pollak et al., loudspeakers 33 and 34 are of different size and are disposed within different sized chambers or enclosures 31 and 32, all within a casing body 35.

The present invention distinguishes from the cited prior art in that the application is for telephone sets. Accordingly, the claimed "first loudspeaker" and "further loudspeaker" are intended to be used as "left" and "right" speakers (see page 4, lines 22 and 23) of a telephone set, where each "speaker" includes a "loudspeaker" within a "loudspeaker enclosure", and wherein each "loudspeaker" is of identical size but one "loudspeaker enclosure" is smaller than the other "loudspeaker enclosure", so as to provide a frequency response including a resonance that overlaps and compensates for the anti-resonance of the first loudspeaker enclosure frequency response to provide a substantially flat combined frequency response.

As discussed above, claim 1 has been amended to specify that the "speaker system" set forth in the preamble of claim 1 is "disposed within a telephone set", and to replace "a first loudspeaker" with -- a first of a pair of left and right loudspeakers --, and "at least one further loudspeaker" with -- a second of said pair of left and right loudspeakers --.

Absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by the teachings of the prior art to modify the reference for purposes of producing the claimed invention. Absent such a suggestion, the Examiner has impermissibly used Applicants' teachings to examine the prior art for the claimed elements, and to modify the reference as claimed. The Examiner's rejection under 35 U.S.C. 103(a) cannot be based on the teachings of Applicants' own claims. Therefore, the rejections under 35 U.S.C. 103(a) should be reconsidered and the claims as amended should be allowed.

For the foregoing reasons, reconsideration and allowance of claims 1-5 of this application is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing this matter to allowance.

Respectfully submitted,



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